

SENATE BILL REPORT

SB 5233

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 23, 2005

Title: An act relating to food fish and shellfish commercial licenses.

Brief Description: Defining "deliver" and "delivery" for food fish and shellfish.

Sponsors: Senators Doumit and Oke.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/21/05, 2/23/05 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5233 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: The Department of Fish and Wildlife manages the commercial harvest of food fish, shellfish, and salmon. A nonlimited entry delivery license is required to deliver certain food fish or shellfish taken in offshore waters. A limited entry delivery license is required for delivering salmon or ocean pink shrimp taken in offshore waters and delivered to a port in the state. Offshore waters means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

An "emerging commercial fishery" is the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which that species has not been previously taken. The purpose of the designation is to allow scientific data to be collected on fishery impacts.

A person is required to obtain a license from the Department of Fish and Wildlife to "deliver" food fish or shellfish, salmon, or ocean pink shrimp taken in offshore waters.

Summary of Substitute Bill: "Deliver" is defined as arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals from state or offshore waters. Fish or shellfish taken under an emerging commercial fishery are not subject to the nonlimited entry delivery license requirement. An emergency clause is added making the bill effective ninety days after signed by the Governor.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that delivery licenses are required to deliver certain food fish and shellfish from a commercial fishing vessel that

were taken for commercial purposes. An emergency clause is added making the bill effective ninety days after signed by the Governor.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after the act is signed by the Governor.

Testimony For: Certain vessels from Oregon have been launching in Washington, fishing off the Washington coast, and bringing their catch back to Oregon. This activity circumvents the intent of the limited entry program, does not account for the fish catch, and results in no landing taxes being paid. The WDFW lost a recent court case due to some confusion over an existing definition. All west coast states have implemented limited entry programs to prevent overcapitalization of the fishing fleet, protect the resource, and maintain a viable fishery. This bill would clarify the definitions in the existing language and protect Washington's commercial troll fleet.

Testimony Against: None.

Who Testified: PRO: Greg Mueller, Washington Trollers Association; Richard Good, Washington Trollers Association; Bruce Bjork, Department of Fish and Wildlife; Mike Cenci, Department of Fish and Wildlife.